

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NECA-IBEW PENSION TRUST FUND and ) Case No. 10-cv-00440 (LAK) (HP)  
DENIS MONTGOMERY, on behalf of )  
Themselves and All Others Similarly Situated, )

Plaintiffs, )

) CLASS ACTION

v. )

BANK OF AMERICA CORPORATION , )  
KENNETH D. LEWIS, JOE L. PRICE, )  
NEIL A.COTTY, WILLIAM BARNET, III, )  
FRANK P. BRAMBLE, SR., JOHN T. )  
COLLINS, GARY L. COUNTRYMAN, )  
TOMMY R. FRANKS, CHARLES K. )  
GIFFORD, W. STEVEN JONES, WALTER E. )  
MASSEY, THOMAS J. MAY, PATRICIA E. )  
MITCHELL, THOMAS M. RYAN, O. )  
TEMPLE SLOAN, JR., MEREDITH R. )  
SPANGLER, ROBERT L. TILLMAN, JACKIE )  
M. WARD, BANC OF AMERICA )  
SECURITIES LLC, CITIGROUP GLOBAL )  
MARKETS INC., MERRILL LYNCH, PIERCE, )  
FENNER & SMITH INCORPORATED, )  
MORGAN STANLEY & CO. )  
INCORPORATED, UBS SECURITIES LLC, )  
WACHOVIA CAPITAL MARKETS, LLC, )  
DEUTSCHE BANK SECURITIES, J.P. )  
MORGAN SECURITIES INC., )

Defendants. )

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**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 15 , 2011, I delivered to the Clerk of the Court, United States District Court Southern District of New York, via Federal Express and electronic mail the original and electronic copies of the following document:

**NOTICE OF RECENT AUTHORITY**

I hereby certify that I served via Federal Express and electronic mail true and correct copies of said document to the individuals identified in Attachment A hereto:

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct. Dated this 15<sup>th</sup> day of August, 2011 at San Diego, California.

/s/ Jeffrey R. Krinsk  
Jeffrey R. Krinsk

**Attachment A**

<p><b>KLAFTER, OLSEN &amp; LESSER LLP</b>  Jeffrey Klafter  <a href="mailto:jak@klafterolsen.com">jak@klafterolsen.com</a>  Two International Place, Suite 350  Rye Brook, NY 10573  Tel: 914.934.9200  Attorneys for Plaintiffs and Liaison Counsel  for the Class</p>	<p><b>O'MELVENY &amp; MYERS LLP</b>  Bradley J. Butwin  (<a href="mailto:bbutwin@omm.com">bbutwin@omm.com</a>)  Jonathan Rosenberg  (<a href="mailto:jrosenberg@omm.com">jrosenberg@omm.com</a>)  William J. Sushon  (<a href="mailto:wsushon@omm.com">wsushon@omm.com</a>)  7 Times Square  New York, New York 10036  (212) 326-2000</p> <p>Attorneys for Defendants Bank of America Corporation, Kenneth D. Lewis, Joe &gt; Price, Neil A. Cotty, William Barnet, III., Frank P. Brambles, Sr., John T. Collins, Gary L. Countryman, Tommy R. Franks, Charles K. Gifford, W. Steven Jones, Walter E. Massey, Thomas J. May, Patricia E. Mitchell, Thomas M. Ryan, O. Temple Sloan, Jr., Meredith R. Spangler, Robert L. Tillman, Jackie M. Ward, Bank of America Securities LLC</p>
<p><b>SKADDEN, ARPS, SLATE, MEAGHER &amp; FLOM LLP</b>  Jay B. Kasner  (<a href="mailto:jay.kasner@skadden.com">jay.kasner@skadden.com</a>)  Scott D. Musoff  (<a href="mailto:scott.musoff@skadden.com">scott.musoff@skadden.com</a>)  Four Times Square  New York, New York 10036  (213) 735-3000  Attorneys for Defendants Citigroup Global Markets Inc.,  Merrill Lynch. Pierce, Fenner &amp; Smith Incorporated,  Morgan Stanly &amp; Co. Incorporated, UBS Securities LLC,  Wachovia Capital Markets, LLC  (n/k/a Wells Fargo Securities, LLC), Incapital LLC, Deutsche Bank of Securities Inc., J.P. Morgan Securities</p>	